

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:
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Tim GAMBLE et al.	: Confirmation No. 3179
	:
Serial No. 10/599,712	: Group Art Unit: 3721
	:
Filed: July 23, 2007	: Examiner: Brian D. NASH
	:
For: ADAPTOR FOR A TOOL	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed January 21, 2009, restriction to one of the following inventions and/or species of the claimed invention is required:

Invention I – claims 1-19 are drawn to an adaptor for a fastener tool having a mounting bracket for attachment thereto, classified in class 227, subclass 29.

Invention II – claims 20-23 are drawn to a process of securing an adaptor to a mounting bracket and the bracket to a substrate, classified in class 227, subclass 156.

In response, Applicants hereby elect **Invention I**, upon which **claims 1-19** are readable.

The election is made *with traverse*, because Inventions II and I are not related as process and apparatus for its practice, as indicated in the Restriction Requirement. Instead, Inventions I and

II are related as product and process of using. The Restriction Requirement is therefore improper and should be withdrawn unless the showing required in *MPEP*, section 806.05(i) is satisfactorily made.

Further, the search and examination of the entire application could be made without *serious* burden. As discussed above, Inventions I and II are related as product and process of using. In the relevant art, references often describe both the product and the process of using such product, as will be apparent to the Examiner upon conducting a search for prior art. Therefore, both Inventions I and II can be covered in a single search. Accordingly, Applicants respectfully submit that the search and examination of the entire application could be made without *serious* burden on the Examiner.

In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

Serial No. 10/599,712

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in black ink, appearing to read 'Benjamin J. Hauptman', is written over the firm name.

Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: February 19, 2009
BJH:KL/tal